

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 5TH NOVEMBER 2007 / 14TH KARTHIKA 1929

OP.No. 19808 of 2000(G)

PETITIONER:

**R. SASIDHARAN, PRINCIPAL,
ARAVUKAD INDUSTRIAL TRAINING CENTRE,
PUNNAPRA, ALAPPUZHA.**

**BY ADV. SRI.K.S.HARIHARAPUTHRAN,
SRI.P.J.JOSEPH,
SRI.GEORGE MATHEW.**

RESPONDENTS:

- 1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT,
LABOUR OF REHABILITATION (D) DEPARTMENT,
THIRUVANANTHAPURAM.**
- 2. DIRECTOR OF TRAINING,
DEPARTMENT OF INDUSTRIAL TRAINING,
KERALA STATE, THYCAUD, TRIVANDRUM - 14.**

BY GOVERNMENT PLEADER SMT. SMITHA SUKUMAR.

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 05/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

ORDER ON C.M.P. NO. 33108/2000 IN O.P. NO. 19808/2000-G

DISMISSED

05/11/2007.

SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE CIRCULAR ISSUED BY THE R.2. NO.C 3/17953/94 DTD. 20/07/1996.

EXT.P.2: COPY OF THE LETTER OF THE R.1. TO THE R.2.

EXT.P.3: COPY OF THE G.O. (RT). NO. 2214/98/LBR DTD. 15/07/98.

EXT.P.4: COPY OF THE EXTRACT PUBLISHED IN KERALA KAUMADI DAILY DT. 12/08/98.

EXT.P.5: COPY OF THE EXTRACT OF THE RELEVANT PORTION OF THE KERALA KAUMADI DT. 18/09/98.

EXT.P.6: COPY OF THE G.O. (MS). NO. 16/99 LBR DT. 12/02/99.

EXT.P.7: COPY OF THE REPRESENTATION SUBMITTED BY PETITIONER TO THE R.1. DT. 01/03/1999.

EXT.P.8: COPY OF THE JUDGMENT DT. 05/06/2000 IN O.P. 17652/99-B OF THIS HONOURABLE COURT.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

THOTTATHIL B.RADHAKRISHNAN, J.

O.P.No.19808 OF 2000

Dated this the 5th day of November, 2007

JUDGMENT

The petitioner is the Principal of an Industrial Training Centre. By the relevant Government Order, which was the subject matter of Ext.P8 judgment of this Court, the seats reserved for SC/ST candidates are not to be filled up from candidates of other categories. In Ext.P8 judgment, this Court found that in the absence of candidates being available for admission to SC/ST quota, admission of candidates belonging to other categories cannot be said to be illegal and that such admissions would be appropriate and are only to be regularised. It was directed that in future, the Director of Technical Education, if satisfied that there were no sufficient number of SC/St candidates, will be at liberty to fill up such seats by candidates belong to other communities. The petitioner made Ext.P7 representation. Thereafter, interim directions were issued in this writ petition on C.M.P.Nos.33108/00 and 49229/00, by which, the students in the ITC of the petitioner

have been admitted to the All India Trade Test, subject to further orders.

2. Since no counter affidavit is placed on record, it has to be reasonably assumed that the contention of the petitioner that there were no SC/ST candidates available in spite of Exts.P4 and P5 advertisements is not to be found against.

In the result, the writ petition is allowed, directing that the petitioner and the respondents will be bound by the terms of Ext.P8 judgment and further directing that those students of the petitioner's institution, who underwent the course and appeared for the examination of the basis of the interim orders in this writ petition, shall be regularised, treating this judgment as a declaration of their entitlement to relief of permanent status regarding the results of the All India Trade Test.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

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